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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.NO.8001/1997

BETWEEN:

Gurumallappa,  
s/o Gurumallaiah,  
major, r/o Teggahalli  
village, Mandya taluk,  
Mandya district.

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..PETITIONER

(By Sri M.Shivappa, Adv.)

AND:

1. The Chief Executive Officer,  
Zilla Panchayath,  
Mandya.

2. The Secretary,  
Teggahalli Gram Panchayath,  
Teggahalli, Kothathi hobli,  
Mandya Taluk, Mandya District. ..RESPONDENTS

(Respondents served)

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This writ petition is filed under  
Articles 226 and 227 of the constitution of India  
with a prayer to quash vide Annexures-J and K  
dt.18.3.97 and 19.3.97 respectively and etc.

This writ petition coming on for prly. hearing in B Group this day, the court made the following:-

ORDER

The petitioner is the owner of the land bearing survey no.142 of Teggahalli village, Mandya Taluk. The said land was proposed for acquisition under the provisions of the Land Acquisition Act. The said acquisition proceedings were quashed by this Court on 21.8.96 in Writ Petition No.13733/89. Earlier to the quashing of the proceedings by this court the petitioner was permitted to use the agricultural land for non-agricultural purpose under section 95 of the Karnataka Land Revenue Act. Since the petitioner was permitted to use the agricultural land for non-agricultural purpose he made an application to the grama panchayath for grant of license. On that application the grama panchayath granted the license in favour of the petitioner. After obtaining the license the petitioner started putting up construction on the land in question. At this stage the

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Zilla Panchayath, on the representation made by some Dalita Sangharsha Samithi, directed the petitioner not to proceed with the construction. This order is under challenge in this writ petition.

2. When the petitioner has been permitted to put up construction by the grama panchayath under a license on his property the Zilla panchayath has no authority whatsoever to pass an order directing the petitioner not to proceed with the construction which is in the nature of an injunction. Therefore, I am of the view that the order passed by the zilla panchayath is without authority of law. In the result, I pass the following order:

Writ petition is allowed. The order of the Zilla panchayath dated 18.3.97 produced as Annexure-J and consequently the notice issued by the grama panchayath as per Annexure-K dated 19.3.97 are quashed.

Sd/-  
JUDGE

